

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
SAMUEL JOHNSON ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Samuel Johnson (Johnson) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Johnson was licensed as a property manager acting in the capacity of a sole practitioner and doing business under the registered business name of Hoodview Property Management (Hoodview).

1.2 On January 5, 2023, Johnson was notified that his clients' trust account ending in 9163 (CTA #9163), which holds owner funds, had been selected for reconciliation review. Johnson provided documents for November 2022. An investigation was opened due to the outstanding issues found in the review.

1.3 On March 28, 2023, Agency Investigator Dylan Ray (Ray) requested additional records from Johnson, including the most recent three-way reconciliation, copies of property management agreements, and owners ledgers updated to comply with real estate license law.

1.4 On April 8, 2023, Johnson submitted the requested documents to the Agency.

1.5 A review of the January 2023 reconciliation for CTA #9163 documents showed that Johnson completed the reconciliation on March 10, 2023.

1           1.6    The November 2022 reconciliation review showed a negative balance of \$0.03.  
2 Upon review of the of the receipts and disbursements journal from January 2023, the  
3 correction was not completed until January 10, 2023.

4 **(1) Conclusion of Law:** By failing to reconcile CTA #9163 within 30 calendar days of the  
5 bank statement, Johnson violated ORS 696.301(3) and its implementing rule OAR 863-025-  
6 0028(2)(d)(A) (1/1/2023 Edition).

7 **(2) Conclusion of Law:** By failing to resolve the negative account balance from the  
8 November 2022 reconciliation prior to the following month's reconciliation, Johnson violated  
9 ORS 696.301(3) and its implementing rule OAR 863-025-0028(4) (1/1/2023 Edition).

10           1.7    The owner's ledgers did not include identifying information for receipts and  
11 disbursements.

12 **(3) Conclusion of Law:** By failing to include identifying information for receipts and  
13 disbursements in the owner's ledgers, Johnson violated ORS 696.301(3) and its implementing  
14 rule OAR 863-025-0055(3)(a)(b)(B)(C)(D)(c)(A)(B)(C)(D)(E)(d) (1/1/2023 Edition).

15           1.9    On May 11, 2023, in an interview with Ray, Johnson was asked about a deposit  
16 of funds into a clients' trust account in the amount of \$0.03. Johnson explained that there was  
17 an overpayment to an owner, and Johnson took funds from his own operating account to  
18 correct it. Johnson told Ray, if he made the mistake, he pays for it with his own money.

19 **(4) Conclusion of Law:** By comingling personal funds to the clients' trust account, Johnson  
20 violated ORS 696.301(3) and its implementing rules OAR 863-0025-0065(6) (1/1/2023 Edition)  
21 and OAR 863-025-0025(5)(a) (1/1/2023 Edition). Johnson also violated ORS 696.301(3) as it  
22 incorporates ORS 696.241(5) 2021 Edition.

23           1.10   Review of the receipts and disbursements journal showed consistent negative  
24 balances that typically lasted several days to over a week.

25           1.11   Payments to Hoodview and Smart were often the cause of the negative balance.

26 **(5) Conclusion of Law:** By not resolving negative balances in the record of receipts and  
27 disbursements journal by the close of the day, Johnson violated ORS 696.301(3) and its  
28 implementing rule OAR 863.025.0040(7) (1/1/2020, 1/1/2021, and 1/1/2023 Editions).

1 **(6) Conclusion of Law:** By disbursing funds from a clients' trust account with a negative  
2 balance, Johnson violated ORS 696.301(3) and its implementing rule OAR 863-025-0027(3)  
3 (1/1/2020, 1/1/2021, and 1/1/2023 Editions).

4 1.12 All of the above demonstrates incompetence or untrustworthiness in performing  
5 acts for which the real estate licensee is required to hold a license and conduct that is below  
6 the standard of care for the practice of professional real estate activity in Oregon.

7 **(7) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
8 ORS 696.301(12) and (15) (2019 and 2021 Editions).

9  
10 2.

11 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

12 2.2 The Agency reserves the right to investigate and pursue additional complaints  
13 that may be received in the future regarding this licensee.

14 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
15 of the definitions contained in ORS 696.010.

16  
17 3.

18 **STIPULATION AND WAIVER**

19 I, **Samuel Johnson**, have read and reviewed this Stipulated Final Order and its  
20 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings  
21 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full  
22 and complete agreement and stipulation between the Agency and me. I further understand  
23 that if I do not agree with this stipulation, I have the right to request a Hearing on this matter  
24 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing  
25 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in  
26 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the  
27 State of Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights  
28 to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
29 matter.

1 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
2 understand that the Order which follows hereafter, which I have also read and understand,  
3 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
4 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
5 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
6 Journal.

7 In addition to all of the above, I agree that once the Commissioner executes this  
8 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
9 waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that Samuel Johnson's property manager license be, and hereby is reprimanded.

IT IS FURTHER ORDERED that Johnson complete the 27-hour Property Manager Advanced Practices Course, (detailed in OAR 863-022-0022, 1-1-21 Edition) to be completed prior to the next license renewal. Previously completed 27-hour Property Manager Advanced Practices Courses do not qualify. The course must have been started on August 7, 2023, or later to satisfy this order. Johnson must submit a certificate to the Agency showing completion of the 27-hour Property Manager Advanced Practices Course. This certificate must be submitted to the Agency no later than 10 days after the education has been completed. Failure to complete and submit the required education would be a violation of ORS 696.301(13) (2021 Edition).

IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by: Samuel Johnson  
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SAMUEL JOHNSON

DocuSigned by: Steve Strode  
E2C2D0097AD8471...  
STEVEN STRODE

Date 9/21/2023 | 11:28 AM PDT

Date 9/22/2023 | 8:39 AM PDT

Date of Service: 9/22/2023